

1638



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF: Clendennen *et al.*

SERIAL NO.: 09/811,093

FILED: March 16, 2001

FOR: MELON PROMOTERS FOR EXPRESSION OF  
TRANSGENES IN PLANTS

EXAMINER: Mehta, A.

ART UNIT: 1638

Confirmation No. 8290

TECH CENTER 1600/2900

JUL 11 2002

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Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))

REQUEST FOR PERMISSION TO WITHDRAW

1. I, a patent agent signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

(complete the following item, if appropriate)

☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below under

☐ 37 C.F.R. § 1.60(b),

☐ 37 C.F.R. § 1.62(c),

this withdrawal request is also for such continuing application.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

- ☐ inventor(s)  
☒ assignee of the entire interest is

Exelixis Plant Sciences, Inc. 170 Harbor Way, P. O. Box 511, South San Francisco, CA 94083-0511.

APPROVED

*[Signature]*  
SPE, TC 1600  
8/5/02

### BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c).

*Explanation (including brief description of exhibits, if any):*

Client's letter dated 06/27/02 stating that they will continue prosecution of the case in-house. Copy of the letter is enclosed herewith.

### ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response due (if any)

- (i) ☐ There is no outstanding term for response.
- (ii) ☒ There is an outstanding term for response that is set to expire on August 8, 2002.

The above term is extendible under 37 C.F.R. § 1.136(a), until November 8, 2002.

*(complete the following, if applicable)*

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is:

- ☒ at least three months.
- ☐ cannot be calculated because this case is awaiting action by the PTO.

### NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the letter to the client is attached.

*Note: A practitioner shall not withdraw from employment without giving due notice to his or her client, 37 C.F.R. § 10.40(a).*

### NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

*Note: To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies.) Notice of September 3, 1985 (1058 O.G. 32).*

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related application of the:

(check all applicable items)

- ☐ inventor(s):
- ☐ assignee:
- ☐ common representative:

<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
_____	_____	_____

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

*Note: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another.  
M.P.E.P. § 402.06, 6<sup>th</sup> ed., rev. 3.*

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

**Peter J. Dehlinger, Registration No. 28,006**

Judy M. Mohr, Registration No. 38,563

LeeAnn Gortney, Registration No. 37,337

Linda R. Judge, Registration No. 42,702

Larry W. Thrower, Registration No. 47,994

Peter J. Dehlinger  
Signature of withdrawing attorney (practitioner)

06-28-02  
Date

Peter J. Dehlinger, Registration No. 28,006

Correspondence Address:

Customer No. 22918

Phone: 650 838-4401